

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

**ORDER**

This matter having come before the Court on Plaintiffs' Motion to Strike Portions of Exhibits M, N, T, W, X, Y, Z, AA, BB, FF, GG, & HH to Defendants' Motion for Summary Judgment. The Court hereby GRANTS the Motion and further ORDERS that the following be STRICKEN:

**Exhibit M:**

- "I firmly believe that the direct service workers want to provide effective services for the families and communities they serve. I have never seen a worker at MDHS who did not care about the foster children and families he or she serves." (Martha McDaniel Affidavit at ¶ 3).
- "The foster children in my region have been given more than sufficient food, medical care, clothing, and shelter, and MDHS has done all it reasonably can to ensure the safety of foster children." (Martha McDaniel Affidavit at ¶ 4).
- "I believe that MDHS's current administration, Rickie Felder (Director of MDHS Division of Family and Children's Services) and Donald R. Taylor (Executive Director of MDHS) truly want the best for the foster children of this state." (Martha McDaniel Affidavit at ¶ 5).

**Exhibit N:**

- "Every reasonable effort is consistently made to provide adequate clothing, food, shelter and medical care to foster children. Given the



number workers [*sic*] and available resources, MDHS has done what it reasonably can to keep children safe.” (Maggie Mixon Affidavit at ¶3).

**Exhibit T:**

- “MDHS has never been indifferent to the needs of John or Olivia. John and Olivia both been [*sic*] provided with sufficient food, clothing, shelter, and medical care, and MDHS has done what it reasonably can to protect John and Olivia from harm.” (Deborah Stewart Affidavit at ¶ 8).

**Exhibit W:**

- “The foster children in Region I-W have received more than adequate food, clothing, shelter, and health care. MDHS has done all it reasonably can to see that foster children are protected from harm.” (Terry Phillips Affidavit at ¶ 5).
- “I truly believe that caseworkers have a strong desire to provide good services to foster children and are dedicated to that goal.” (Terry Phillips Affidavit at ¶ 5).

**Exhibit X:**

- “It is my observation that Region I-E’s children have been supplied with adequate food, shelter, clothing, and health care. Our direct service workers have done all they reasonably can to keep foster children safe and away from harm.” (Tracy Malone Affidavit at ¶ 3).

**Exhibit Y:**

- “The foster children in this region have received adequate food, clothing, shelter, and health care. MDHS has done what it reasonably can to see that foster children are protected from harm.” (John Webb O’Bryant Affidavit at ¶ 3).

**Exhibit Z:**

- “The foster children in this region have certainly been given sufficient medical care, food, clothing, and shelter. MDHS has done all it reasonably can to ensure the safety of foster children in its care.” (Sylvia Sessions Affidavit at ¶ 4).

**Exhibit AA:**

- “The foster children in this region have been provided with sufficient food, clothing, shelter, and medical care. Our workers have done all they reasonably can to keep our foster children free from harm.” (Mechille Henry Affidavit at ¶ 3).

**Exhibit BB:**

- “MDHS has done all it reasonably can to protect the foster children in its care from harm and is not indifferent to the children’s needs. The foster children in this region have been given sufficient food, clothing, shelter, and medical care.” (Zadie Rogers Affidavit at ¶ 4).

**Exhibit FF:**

- “MDHS has never been indifferent to Jamison’s needs. All of Jamison’s basic needs have been met including sufficient food, clothing, shelter, and health care.” (Queen Coleman Affidavit at ¶ 5).
- “Our workers make sure that all our foster children’s basic needs are taken care of and try to take care of as many of the children’s wants as we can.” (Queen Coleman Affidavit at ¶ 5).

**Exhibit GG:**

- “MDHS has never been indifferent to Cody’s needs. Cody has been provided with adequate food, clothing, shelter, and medical care, and MDHS has done what it reasonably can to protect him from harm.” (Brenda Coe Affidavit at ¶ 5).

**Exhibit HH:**

- “MDHS has never been indifferent to the needs of the W children. The W children have been provided with adequate food, clothing, shelter, and medical care, and MDHS has done what it reasonably can to keep them safe from harm.” (Earnest Johnson Affidavit at ¶ 3).

DATED: \_\_\_\_\_

UNITED STATES DISTRICT JUDGE